

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:) I hereby certify that this document
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Serial No.: 10/630,164) with the United States Patent and
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RESPONSE TO THE OFFICE ACTION DATED MARCH 21, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REMARKS

The applicant has carefully considered the Office action dated March 21, 2007. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

As an initial matter, the applicant notes that, with the exception of claims 24-28, all pending claims stand allowed. The allowed claims are not further discussed herein.

Claims 24-28 are rejected under 35 U.S.C. § 101 because they do not “produce a tangible result under all circumstances of the method.” Applicant respectfully traverses these rejections.

As an initial matter, it is noted that it is only necessary for the claims to produce a useful, concrete and tangible result *within their scope*. The Office action acknowledges as much when it states “the claim does not produce a tangible result under all circumstances *of the method*.” (emphasis added). Thus, it is not necessary for the claim to produce a useful, tangible and concrete result in occurrences that do not fall within the scope of the claim. This makes sense, since it is only necessary for the claimed subject matter to be statutory, not for unclaimed subject matter to be statutory.

Turning with specificity to claim 24, in circumstances where the conditions recited in claim 24 are not met (e.g., when the cache line in the second cache is not in any of the exclusive state, the enhanced exclusive state or the shared state, **and** when the cache line is not in the modified state or the enhanced modified state), then the method of claim 24 is not operative precisely because such circumstances are not within the scope of the claim. However, this fact is not an indication of a lack of compliance with 35 U.S.C. § 101. Instead, it is merely an indication of the boundary of the claim. Within the boundary of the claim (e.g., in circumstances where the cache line in the second cache is in any of the exclusive state, the enhanced exclusive state or the shared state, **or** when the cache line is in the modified state or the enhanced modified state), the method of claim 24 achieves a concrete, tangible and useful result. This is all that is required by 35 U.S.C. § 101. Therefore, claim 24 is statutory. For similar reasons, all claims depending on claim 24 are statutory.

Before closing, it is noted that the recitations of claims 25-28 are *not* conditional. Therefore, it is clear that the rationale underlying the 101

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rejections did not apply to these claims. For this additional reason, claims 25 - 28 are allowable.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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